

Agency Response to Department of Planning and Budget's Economic Impact Analysis

18 VAC 41-30 – Board for Barbers and Cosmetology Rules and Regulations
Department of Professional and Occupational Regulation

There are three subjects that the agency would like to respond:

1. DPB states that cosmetology and nail schools maintain separate classroom and clinic areas could potentially be very costly for cosmetology nail schools and that the proposed regulations do not specify what is meant by separate areas leaving the possibility of a future burden on schools.

- DPB does not include that this requirement also applies to barber schools. This requirement is not a new requirement. Board for Barbers Regulations (1999) PART V. BARBER SCHOOLS. 18 VAC 40-20-220.1. It has a classroom and clinic area; and Board for Cosmetology Regulations (1999) PART III. COSMETOLOGY SCHOOLS. 18 VAC 55-22-190.7. Maintain separate classroom and clinic areas. There has been no indication that the industry has any difficulty understanding what separate areas mean.

Adding additional language for specificity purposes may limit the flexibility of schools to comply with the regulation and may be more burdensome.

However additional language for clarification that allows latitude for compliance will be considered at adoption of final regulation

2. To serve as an example pertaining to sanitary procedures, DPB states that the proposed regulations state that ‘Combs, brushes, towels, razors, clippers, scissors, nippers, and other instruments shall be cleaned and sanitized after every use... .’

- This is not a new regulation. Board for Cosmetology Regulations (1999) PART V. STANDARDS OF PRACTICE. 18 VAC 55-22-340. Sanitation. 1.a. Cleanliness. ... Combs, brushes, towels, razors, clippers, scissors, nippers, and other instruments shall be cleaned and sanitized after every use and stored free from contamination. and 2.Operation and service. c. Brushes and combs shall be washed in soap and water and sanitized after each use. Licensees not adhering to these regulations were in violation.

3. DPB states that rather than mandate that all barbershops, salons, and schools follow proscribed sanitation procedures, it would be beneficial to instead have an optional state certification.

- Statute requires full licensure. There is no statutory provision to issue additional certification regarding sanitation procedures.

Sanitation procedures are developed to protect the health, safety, and welfare of the citizens of the Commonwealth. The responsibility to protect the health, safety, and welfare of the citizens of the Commonwealth is not optional. To implement an optional state certification to ensure protection and fulfill responsibility is not the best interest of the citizens of the Commonwealth.

Thank you for consideration of the agency's response.